

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MELVIN LOWE,

Plaintiff,

-vs-

MONTGOMERY COUNTY BOARD
OF EDUCATION, *et al.*,

Defendants.

Case No. 2:05-cv-0495

**DEFENDANTS' MOTION TO EXTEND DEADLINE
TO FILE RESPONSE TO DISPOSITIVE MOTION REPLY**

COME NOW the Defendants, Montgomery County Board of Education, Vickie Jernigan, Mark LaBranche, Tommie Miller, Mary Briers, Dave Borden, Henry A. Spears, Beverly Ross, and Dr. Carlinda Purcell (hereinafter referred to collectively as "these Defendants"), by and through their counsel of record, and submit the following Motion to Extend Deadline to File Response to Dispositive Motion Reply. In support of said motion, counsel state as follows:

1. On May 3, 2006, Plaintiff filed a *Motion to Extend Time for Summary Judgment Response*.
2. Defendants do not oppose Plaintiff's request for a two-day extension for filing a response.
3. Defendants request the same two-day extension by which their reply to Plaintiff's response would be due (*i.e.*, May 12, 2006).
4. Counsel for the parties have conferred by phone on this date and Plaintiff's counsel has no objection to the granting of this motion.
5. The pretrial of this matter is scheduled for June 23, 2006 and the trial of this matter is scheduled for September 18, 2006, and, accordingly, this extension would not cause any prejudice to parties or delay the proceedings of this case.

WHEREFORE, the foregoing premises considered, counsel respectfully requests that this Honorable Court extend the time for filing their reply to Plaintiff's response to Defendants' Motion for Summary Judgment by two days, up to and including May 12, 2006.

DATED THIS the 4th day of May, 2006.

MONTGOMERY COUNTY BOARD OF
EDUCATION, VICKIE JERNIGAN, MARK
LABRANCHE, TOMMIE MILLER, MARY
BRIERS, DAVE BORDEN, HENRY A.
SPEARS, BEVERLY ROSS, and
DR. CARLINDA PURCELL, Defendants,

By: /S/ James R. Seale
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date electronically filed the foregoing *Defendants' Motion to Extend Deadline to File Response to Dispositive Motion Reply* with the Clerk of the Court for the United States District Court, for the Middle District of Alabama, using the CM/ECF system which will send notification of such filing to: William F. Patty, Esquire (bpatty@beersanderson.com) this the 4th day of May, 2006.

/S/ James R. Seale